

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff,

Criminal No. 19-mj-30586

v.

Joseph Gregory DuMouchelle,

Defendant.

**STIPULATION FOR ADJOURNMENT OF PRELIMINARY
EXAMINATION AND FOR EXTENSION OF
TIME IN WHICH TO INDICT**

The United States of America and defendant, Joseph Gregory DuMouchelle,
hereby stipulate and agree to the following:

1. On April 3, 2020, he is to make his appearance on the Complaint.
2. The parties agree and stipulate that the new date for preliminary examination of April 3, 2020 is May 22, 2020.
3. The parties further stipulate, and jointly move for the Court to find, that the time period between April 3, 2020, and May 22, 2020 qualifies as excludable delay

under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the ends of justice served by the granting of the this continuance outweigh the best interests of the public and the defendant in a speedy trial. The parties' reasons for the continuance and for a finding of excludable delay are as follows:

- The unprecedented and exigent circumstances created by COVID-19 and related coronavirus health conditions have created a health emergency throughout the United States and numerous foreign countries that has resulted in widespread societal disruption. On March 10, 2020, Governor Gretchen Whitmer announced a state of emergency following two confirmed cases of COVID-19 in Michigan. President Donald Trump declared a national state of emergency on March 13, 2020. COVID-19 has infected thousands of people across all fifty states, the District of Columbia, and Puerto Rico, resulting in numerous fatalities.
- In order to slow the spread of the outbreak and lessen the load placed on our healthcare systems, various restrictions have been imposed on travel, access to public facilities, and government functions. As part of these efforts, on March 13, 2020, this court postponed indefinitely most in-court proceedings, including trials, before district judges and magistrate judges in the Eastern District of Michigan in all criminal (and civil) cases and matters, and it

postponed indefinitely all grand jury proceedings in the Eastern District of Michigan. *See* Administrative Order 20-AO-021. This Order also reflected the fact that the court cannot properly secure the presence of sufficient jurors and grand jurors in the courthouse without jeopardizing the health and safety of the prospective jurors, as well as the health and safety of court personnel. This Order further reflected the reality that the court staff, the Court Security Officers, and the Marshals Service could not operate or provide access to in-court proceedings without jeopardizing their health and safety.

- As a result, failure to grant a continuance would likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

4. The parties therefore request that the Court adjourn the April 3, 2020 Initial Appearance to May 22, 2020, and further find that the delay caused by this continuance should be deemed excludable time under 18 U.S.C. § 3161(h)(7)(A)

because the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

Respectfully submitted,

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Date: April 2, 2020

United States District Court
Eastern District of Michigan

United States of America,

Plaintiff,

Criminal No. 19-mj-30586

v.

Joseph Gregory DuMouchelle,

Defendant.

**ORDER FOR ADJOURNMENT OF PRELIMINARY EXAMINATION AND
FOR EXTENSION OF
TIME IN WHICH TO INDICT**

The Court has considered the parties' stipulation and joint motion to continue the Preliminary Examination to May 22, 2020, for a finding that the time period from April 3, 2020, to May 22, 2020 qualifies as excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7). For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7)(B), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from April 3, 2020 to May 22, 2020 qualifies as excludable delay under § 3161(h)(7). Specifically, the Court finds that:

- The unprecedented and exigent circumstances created by COVID-19 and related coronavirus health conditions have created a health emergency throughout the United States and numerous foreign countries that has resulted in widespread societal disruption.
- The Court is operating under an emergency administrative order, limiting the availability of the Court to conduct hearings and trials.
- As a result, failure to grant a continuance would likely to make a continuation of the proceeding impossible, or result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

IT IS THEREFORE ORDERED that the time from April 3, 2020, to May 22, 2020 shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

s/Michael Hluchaniuk

Michael Hluchanuik

United States District Magistrate Judge

Entered: 04/06/2020